

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|---|---|----------------------------------|
| NECA-IBEW PENSION TRUST FUND and |) | Case No. 10-cv-00440 (LAK) (HBP) |
| DENIS MONTGOMERY, on Behalf of |) | |
| Themselves and All Others Similarly Situated, |) | |
| |) | <u>CLASS ACTION</u> |
| Plaintiffs, |) | |
| |) | |
| v. |) | ECF CASE |
| |) | |
| BANK OF AMERICA CORPORATION, |) | |
| <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

**NOTICE OF PLAINTIFFS' MOTION FOR LEAVE TO FILE A
SECOND AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that Lead Plaintiff NECA-IBEW Pension Trust Fund (“NECA-IBEW”) and individual plaintiff Denis Montgomery (collectively “Plaintiffs”), will move, before the Honorable Lewis A. Kaplan, at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order granting leave to file a Second Amended Class Action Complaint (“SAC”) pursuant to Rule 15 of the Federal Rules of Civil Procedure. Plaintiffs’ motion is supported by the accompanying Memorandum of Law, Declaration of C. Michael Plavi, II and the exhibits attached thereto.

Dated: March 15, 2012

Respectfully submitted,

FINKELSTEIN & KRINSK LLP

By: /s/ Jeffrey R. Krinsk
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